

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-010

Date: March 20, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Ward 7

Subject: Hickory Beach Licensing Agreement

Author Name and Title: Robyn Carlson, City Solicitor and Acting Manager of Realty Services

Recommendations:

That Report RS2018-010, **Hickory Beach Licensing Agreement**, be received;

That Council approves in principle the concept of licensing the use of property legally described as PIN 63125-0326, known as “Hickory Beach” in the former Township of Verulam, to the Hickory Beach Docking Association on a non-exclusive basis; and

That the Mayor and Clerk are authorized to execute an agreement substantially in the form as set out in Appendix A to Report RS2018-010.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of February 13, 2018, Council adopted the Encroachment By-law 2018-017 and Docking Policy 2018-001 pursuant to resolution CR2018-074.

The Encroachment By-law provides that no one may put a structure, such as a dock, shed or boathouse, on City property except with the consent of the City.

The Docking Policy allows for licensing of docks on City shoreline road allowances, subject to certain conditions. Approval for a 5 year term will issue where the conditions to approval have been met:

- The use does not adversely affect the use by others of the property (shoreline use will not be exclusive; dock use is exclusive);
- The use does not adversely affect the ability of the City to use, access and maintain its property
- The use does not adversely affect the ability of the general public to use the area adjacent to the dock, and to access the water
- The use does not result in overcrowding of the waterfront
- The use does not adversely affect the aesthetics of the area
- Federal and provincial permits are the obligation of the dock owner
- The use does not result in erosion or degradation of fish habitat
- Existing crib docks are to be replaced with post/ floating docks upon repair
- Continued obligation to maintain and insure the dock
- Payment: \$125.00 application to the Land Management Committee + \$150.00 per year
- Obligation to post permit number on the dock and provide notice to the public that the dock is private property.

The City owns a parcel of waterfront land just north of Hickory Beach Road, at the terminus of Pleasant Point Road, in the former Township of Verulam. This land, although it resembles shoreline road allowance in its dimensions, was given to the Township from a private individual for parkland use. This land is legally described as PIN 63125-0326 and is shown in Appendices B and C, and is referred to as "Hickory Beach".

Hickory Beach is an entirely grassed strip of land in very close proximity to 11 homes that face directly onto Hickory Beach. Each of these 11 homes have a narrow, flat front yard. The City's property slants steeply downwards from these front lot lines to a narrow grassed strip of flat land adjacent to the shoreline.

The steeply sloping portion of the City's property is used by each of these 11 property owners as a front yard with, in many cases, landscaping and stone/cement stairs down the hill, thereon. There are two private sheds of a size not requiring a building permit. These sheds seem to be well positioned so as not to interfere with the public use of using this strip of land as a walkway.

There is insufficient flat land on this parcel of land for a park or beach of any dimension.

Three roads lead to this strip of land. Cement access paths / stairs lead from each of these 3 entry points and down a steep hill to a flat, grassed strip of land to which each of the 49 docks are attached by cement pads. The 2 cement access paths (the last access being stairs) are in poor condition.

The dock construction is floating or pole construction in each case; there are no cement docks or crib docks, both of which are not permitted by the Trent Severn Waterway, which has jurisdiction over the water (this property being adjacent to Lake Scugog).

The docks appear to be in good condition.

Loose stone is placed along the entire shoreline. There are no apparent erosion issues.

There is no travelled roadway on this land.

The residents of the area without water access comprise approximately 200 owners (see Appendix D). These individuals form an Association called the Hickory Beach Association. The Hickory Beach Dock Holders Association, comprised of the 49 persons currently having docks on Hickory Beach, incorporated pursuant to the *Not for Profit Corporations Act* as Business Number 78089-6882 and Incorporation Number 10532894, are a subset of this larger Association.

Historical complaints in the area have mainly arisen due to new owners to the area, being those 200 owners not currently having docks on Hickory Beach, wanting to place docks on Hickory Beach.

Rationale:

The intent of the Association is to self-regulate the issuance of dock licenses in a manner that is to the maximum benefit of the existing dock holders. The Association's purpose is to maintain the status quo in terms of maximum number of dock licenses to be issued (50).

The Association intends to maintain insurance over the entire property, including all docks. The shoreline will remain open to the public, and thus not exclusive to the use by Association members (dock owners). The docks themselves, however, will be privately occupied.

The Association intends to maintain a waiting list, should a dock come available.

The Hickory Beach Association has been canvassed and take no position with respect to this proposal. See Appendix E.

Due to the extreme proximity to residential, the Association intends to regulate noise on the property.

The Association intends to permit dock construction in accordance with the guidelines provided by the Trent Severn Waterway.

Other Alternatives Considered:

Alternative 1: Council could decide not to enter into this Agreement. According to the Docking Policy, when a complaint next comes forward to Staff pertaining to Hickory Beach, Land Management Committee would consider:

- issuing licenses to each of the 49 dock owners, or
- a subset of them if overcrowding appears to be an issue preventing the larger community of 200 persons from accessing the water in this location.

This alternative is not preferred, as the recommended solution allows the community to manage its own affairs and create an approach that is tailored to the majority's best interests.

This alternative would result in increased revenue to the City, but it would be offset by the staff costs in maintaining the area, administering the licensing program and insuring the area (in other words, the licensing fee set out in section 3.01(b) of the Encroachment By-law is based on a cost-recovery basis).

Alternative 2: Council could decide to enter into this Agreement, but for a different term. The proposed term is recommended, as it provides enough time to both parties to determine how well the Agreement is working, and provides a check in point should

Financial/Operation Impacts:

Community Services has committed to doing brushing of hazardous trees and repairing the 2 cement access paths using its 2018 Operating Budget. This has a financial impact of approximately \$5,000.00 to the City. This commitment was not contingent on the City entering the proposed Agreement.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

This Report contributes to the following Goals of the Strategic Plan:

- Goal 2 – An Exceptional Quality of Life

Moreover, the recommendation in this Report aligns with the Strategic Enabler of Efficient Asset Management and the Value of Collaboration.

Consultations:

Manager of Parks, Recreation and Culture – Community Services Department
Director of Engineering and Corporate Assets
Land Management Committee

Attachments:

Appendix A – License Agreement



Appendix A.pdf

Appendix B – Location Map



Appendix B.pdf

Appendix C – Aerial View



Appendix C.pdf

Appendix D – Map showing all potential users of the property



Appendix D.pdf

Appendix E – Letter from the Hickory Beach Association



Appendix E.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson